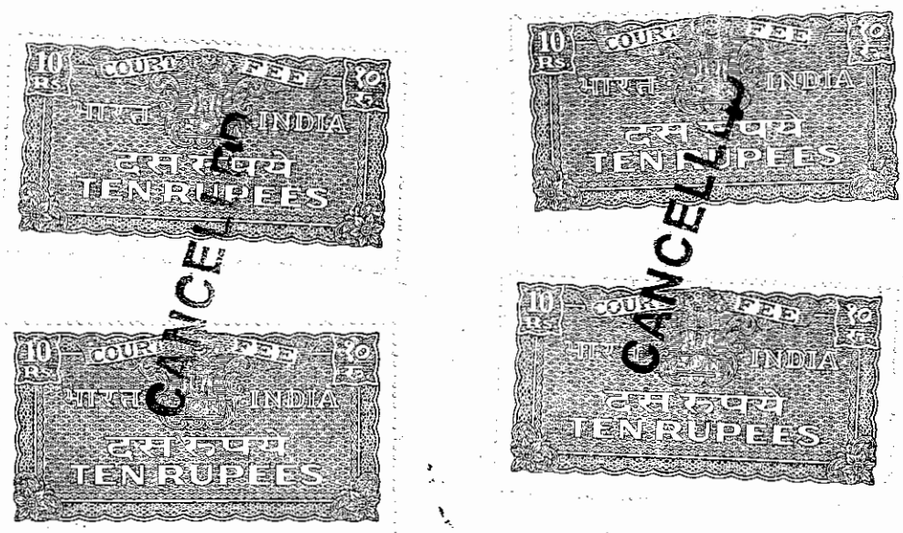
SINGLE BENCH

(3)

In the Honble High Court of Chhattishgarh at Bilaspur (.C. G.)

W.P. No. 1769 **2005**



Petitioner ..... **Ku Deepmala Dewangon aged 21 years daughter of Shri A.L. Dewangon, student of 3d year of Pashu Chikitsa & Pashupalan Mahavidyalaya, Anjora, Durg, Tahsil and District Durg (C.G.)**

Versus

Respondent ... ... 1. The State Government of Chhattishgarh
Through the Secretary,
Agriculture Department, D.K.S.Bhavan,Raipur.

2. Indira Gandhi, Krishi Vishwa Vidyalaya, Raipur.
Through the Registrar

3. College of Veterinary services and Animal Husbandary,
Anjora,Through the Principal Tahsil and District Durg

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Writ Petition under Article 226/227 of the Constitution of India

That the petitioner respectfully furnishes the particulars of the writ petition as

(22)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

S.B.: Hon'ble Shri Satish K. Agnihotri, J.

Writ Petition No. 1769 of 2005

Petitioner : Ku. Deepmala Dewangan

Versus

Respondents : The State Government of Chhattisgarh and others

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Present : Mr. N.K. Chatarjee, learned counsel for the petitioner.
Ms. Sunita Jain, Panel lawyer for the respondent/State.

ORDER
(Passed on 21st day of February, 2007)

1. By this petition, the petitioner prays for a direction "to treat the petitioner as student entitled for free seat and refund of the amount recovered with 12% interest and damages for mental torture to a female student and heavy litigation cost deserves to be ordered in the facts and circumstances of the case."

2. The indisputable facts, in nutshell, are that the petitioner was admitted in B.V.Sc. and A.H. Course in the first year on payment seat. Thereafter, the petitioner made an application for conversion of her payment seat to free seat. By the order dated 30.9.03 (P/1), application of the petitioner was rejected on the ground that payment seat cannot be converted to free sheet as the same was not permissible under law. The petitioner alleges discrimination on the ground that payment seat of one Shri Hemkumar Bellchandan was converted to free seat.

3. Learned counsel appearing for the petitioner submits that there are two free seats still available, which is reserved for Scheduled Caste (Female) Candidate and one of the same could be given to the petitioner. It is further contended that one seat reserved for Scheduled Caste (Female)

Candidate, which has been given to Scheduled Caste candidate namely Shri Suman Kumar.

4. The petitioner has relied on clause 4.12 of the Chhattisgarh P.M.T. Examination-2002 Admission Rules in support of his contention that seats are reserved for Scheduled Caste (Female) Candidate. On perusal of the pleadings appended to the petition, the contention of the petitioner on the face of it is incorrect as clause 4.12 makes the provision for reservation of Scheduled Caste, Scheduled Tribe and Other Backward Class communities and in case of seats for unreserved candidates, there is 30% vertical reservation for woman candidates. Clause 4.12 of the Chhattisgarh P.M.T. Examination-2002 Admission Rules reads as under:-

> " राज्य पी मेडिकल परीक्षा द्वारा भरी जाने वाली सीटों में प्रत्येक श्रेणी अर्थात अनुसूचित जाति, अनुसूचित जनजाति, अन्य पिछड़ा वर्ग एवं अनारक्षित श्रेणी में महिलाओं के लिये 30 प्रतिशत क्षैतिज आरक्षण होगा "

5. The petitioner is not in a position to point out any other circular, which prescribes for reservation of two free seats in favour of the Scheduled Caste (Female) Candidates. The reserved seat has been allotted to a male candidate. The petitioner has not further pointed any provisions or any other material facts so as to support his averments. Thus, this petition is frivolous and lacks material facts.

6. The writ petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu